

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Amlan Datta al.
Filing Date:	August 25, 2003
Group Art Unit:	1731
Confirmation No.	4088
Examiner:	Queenie S. Dehghan
For:	Synthetic Microspheres and Methods of Making Same

VIA EFS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants respectfully submit the documents listed on the attached Form PTO/SB/08B (1 p.).

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the documents listed on the attached form be considered and cited during examination of the above-identified application for patent. Pursuant to 37 C.F.R. § 1.98, a copy of certain documents are enclosed for the convenience of the Examiner, other than any U.S. patents and U.S. patent application publications. Furthermore, pursuant to 37 C.F.R. §§ 1.97(g) and (h), no representation is made that such documents are material to patentability of the present application or that a search has been performed.

These documents are being furnished because recent Federal Circuit decisions, including *McKesson Information Solutions Inc. v. Bridge Medical, Inc.*, 487 F.3d 897 (Fed. Cir. 2007), have extended the interpretation of the duty of disclosure. The listing and production of documents is being made out of an abundance of caution to assure compliance with various interpretations of the duty of disclosure. Applicants make no inference that the cited references are in fact material, non-cumulative or are prior art.

In view of recent Federal Circuit decisions, including *McKesson*, Applicants also remind the Examiner of applications that derive priority from the same applications as the subject Application for patent, some of which may be examined by other examiners at the USPTO. The list of such applications and their status is provided below.

<u>APPLICATION NO.</u>	<u>STATUS</u>
10/648,184	Pending
10/787,894	Pending
10/648,010	Abandoned
10/648,009	Pending
11/026,340	Abandoned

Applicants remind the Examiner of an obviousness-type double patenting (ODP) rejection identified in co-pending U.S. Application No. 10/648009 (presented in the table) that relied on U.S. Patent Nos. 6,572,697. Applicant notes that U.S. Patent No. 6,506,248 was filed as U.S. Application No. 09/803456; U.S. Application No. 10/414505 claims the benefit of U.S. Application No. 09/803456. It is further noted that provisional obviousness-type double patenting rejections also reside with co-pending U.S. Application No. 10/648009; provisional ODP rejections rely on U.S. Publication Nos. 2004/0080063 and 2004/0081827 (U.S. Application No. 10/648184).

The attached PTO form includes Office Actions in applications, each of which derives priority from the same applications as the subject Application for patent, some of which may be examined by other examiners than Examiner Queenie S. Dehghan. These documents are being


furnished because recent Federal Circuit decisions, including *McKesson*, have raised concerns that Office Actions, themselves, in such applications may be subject to a duty of disclosure.

The Examiner is requested to initial the attached form, as indicated. It is respectfully requested that the Examiner then return to the undersigned a copy of the initialed and completed Form that indicates the enclosed documents have been considered in their entirety.

Fees due with this submission are provided herewith. Should additional fees be required, the Commissioner is hereby authorized to charge such fees including any under 37 C.F.R. §1.16 or 37 C.F.R. §1.17, to Deposit Account No. 07-0153 and reference Attorney Docket No. 129843-1102. Please credit any overpayments to this same Deposit Account.

Please direct all correspondence to the practitioner listed below at Customer No. 60148.

Respectfully submitted,



Monique A. Vander Molen
Reg. No. 53,716
Gardere Wynne Sewell LLP
Thanksgiving Tower
1601 Elm Street, Suite 3000
Dallas, Texas 75201-4761
Telephone: 214-999-4330
Facsimile: 214-999-3623
Email: ip@gardere.com
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